

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26325-2014 (O&M)
Date of decision : 16.01.2017

M/s Blue Beacons Electronics Security Systems Pvt. Ltd. and another

...Petitioners

Versus

Gurinder M Thamon and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Onkar Rai, Advocate,
for the petitioner.

Mr. Sandeep Verma, Advocate,
for Mr. Amarinder Singh, Advocate,
for the respondents.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure (for short, 'Cr.P.C.') for quashing of order dated 01.07.2014 (Annexure P-5) passed by the learned Judicial Magistrate Ist Class, Chandigarh, (for short, 'trial Court'), vide which the learned trial Court dismissed the application of the petitioner filed under Section 311 Cr.P.C. for permission to summon witness-Yogesh B. Dutta, an employee of the respondents' firm at the relevant time.

Learned counsel for the petitioner contends that the e-mail generated by Yogesh B. Dutta on behalf of the respondents, being against the record, has impacted the image and reputation of the petitioners and lowered their public esteem.

On the other hand, learned counsel for the respondents submits that the complaint under Sections 499 and 500 of the Indian Penal Code, which was filed the petitioners, was subsequent to the generation of e-mail by Yogesh B. Dutta and this document was well within the knowledge of the petitioners at the time of filing of the said complaint.

Heard.

It is not in dispute that the e-mail was generated by Yogesh B. Dutta on 06.10.2008, the very basis of the complaint, which is a marked document. Therefore, the existence of the document was in the knowledge of the petitioner but he chose not to tender the same in his evidence. But when the case was fixed for defence evidence and for arguments, the petitioner moved the application in question. It has not come on record as to why the document, which formed the foundation of the complaint, was withheld by the petitioner. Otherwise also, it is a marked document and the Court can take a judicial notice of the same.

No other point is asserted.

In view of the above, the present petition is dismissed and order dated 01.07.2014 (Annexure P-5) passed by the learned Judicial Magistrate Ist Class, Chandigarh, is maintained.

16.01.2017
adhikari

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :Yes No

Whether Reportable : Yes No